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By ECF

The Honorable Lisa Margaret Smith
United States Magistrate Judge
Southern District of New York
300 Quarropas St., Courtroom: 520
White Plains, NY 10601-4150

Re: *IHS Dialysis, Inc. v. DaVita, Inc.*, No. 12-cv-2468 (ER) (LMS)

Dear Magistrate Judge Smith:

We represent Plaintiffs in the above-referenced action. We write to provide the Court with the agenda for the August 28, 2015 conference. At the conference, the parties would like to address DaVita's motion to quash IHS's nonparty subpoenas. Attached as Exhibit A is DaVita's letter brief moving the Court to quash IHS's nonparty subpoenas to nephrology practices. Attached as Exhibit B is IHS's letter brief in opposition to DaVita's motion to quash.

The parties also refer the Court to the motion submitted by IHS to compel DaVita (and DaVita's response) to produce documents concerning (i) governmental investigations, and (ii) financial information and other performance metrics for facilities in the Relevant Markets. *See* Dkt. Nos. 106-09, 111-12, and 121. That motion was fully briefed and argued at the May 27, 2015 status conference, and remains *sub judice*.

Respectfully submitted,

/s/ Matthew L. Cantor

Matthew L. Cantor
Counsel for Plaintiffs

So stipulated:

/s/ Beatrice B. Nguyen

Beatrice B. Nguyen
Crowell & Moring LLP
Counsel for *Defendant DaVita HealthCare
Partners Inc. f/k/a DaVita Inc.*